

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CARMEN LIDIA JORGE, *et al.*,  
Plaintiff,

v.

POLICE DEPARTMENT OF THE  
COMMONWEALTH OF PUERTO  
RICO, *et al.*,  
Defendants.

CIVIL NO. 11-2268 (JAG)

**SECOND MOTION REQUESTING ORDER**

**TO THE HONORABLE COURT:**

COME NOW Co-Defendants José Figueroa-Sancha (“Figueroa-Sancha”), Iván Lebrón-Lebrón (“Lebrón”) and Leovigildo Vázquez (“Vázquez”), through the undersigned attorney, who very respectfully STATE and PRAY as follows:

1) On December 30, 2011, plaintiffs filed the case at bar alleging that PRPD officers used excessive force during the course of an arrest of three felony suspects (**Docket No. 1**). One of those felony suspects is Plaintiff E.F.J., who has by now reached the age of majority.

2) In essence, Plaintiff E.F.J. alleged that on December 31, 2010, he was in an automobile with two other individuals. They stopped at a recycle center in Trujillo Alto. There, according to Plaintiff E.F.J., the two other individuals robbed the recycling center, while he stayed in the car. Plaintiff E.F.J. was allegedly unaware of the intent of the two other individuals (**Docket No. 1, p. ¶ 23**).

3) During the proceedings it was discovered that the Carolina State Attorney’s Office filed criminal charges against one of those two men. He is called Amaury Méndez Rosado

and he pleaded guilty for a number of criminal offenses including robbery and various weapons law infractions.

4) It was also discovered that the Carolina Solicitor for Minors Office filed criminal charges against Plaintiff E.F.J. for the same facts as Mr. Méndez Rosado.

5) Indeed, during the deposition of Plaintiff E.F.J., he testified having entered guilty pleas for the criminal complaints connected to the facts of the instant case.

6) For that reason, the Defendants attempted to gain access to Plaintiff E.F.J.'s criminal file which is under the custody of the Tribunal for Minors of the Carolina Judicial District. For this task, Defendants obtained Plaintiff E.F.J.'s consent to divulge the juvenile file for this litigation. Additionally, Defendants requested an order from this Court (**Docket No. 120**), which was granted (**Docket No. 121**).

7) Plaintiff E.F.J.'s criminal file has since been delivered to the Court.

8) On March 14, 2016, appearing Defendants request permission to inspect the Plaintiff E.F.J.'s criminal file (**Docket No. 248**). However, the Court has not ruled on the motion.

9) Appearing Defendants respectfully request the Court to permit Counsel for Defendants to inspect the aforementioned file and to photocopy the pertinent material found therein. Defendants need to inspect the file in order to file a Reply to Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment in Civil Case No. Fernández-Jorge v. Galarza-Soto, 14-1590 (GAG). That case regards the same factual allegations as the instant case, but is against Defendants Julio Galarza-Soto and Juan Ortiz-Cruz.

WHEREFORE, Appearing Defendants respectfully request the Court to permit Counsel for Defendants to inspect the aforementioned file and to photocopy the pertinent material found therein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on this 23<sup>rd</sup> day of June 2016.

IT IS HEREBY CERTIFIED that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties.

CÉSAR MIRANDA RODRÍGUEZ  
Secretary of Justice

MARTA ELISA GONZÁLEZ Y.  
Deputy Secretary of Justice  
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